THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.11721 of 1996

04.01.2007

Between:

K. Rebamma

..Petitioner

And

The Mandal Revenue Officer, Sattupalli Mandal, Khammam District, and another.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.11721 of 1996

ORDER:

Petitioner allegedly purchased the land admeasuring Acs.1.10 guntas in survey No.173/60 situated at Ayyagaripeta Village, Sattupalli Mandal, Khammam District, from the second respondent in 1986. She is allegedly in possession of the said land. When the second respondent objected cultivation by the petitioner, she filed O.S.No.46 of 1993 on the file of the Court of the District Munsif, Sattupalli, and obtained injunction by order, dated 12.07.1993. It is alleged that subsequently the first respondent issued notice, dated 31.07.1993, stating that the land is handed over to original pattadars. Apprehending that she might be dispossessed by the first respondent, the present Writ Petition is filed seeking a writ of mandamus directing the respondents not to interfere with her possession.

The Writ Petition was admitted by this Court on 21.06.1996. Though Rule Nisi was served on respondents 1 and 2 on 13.07.1996 and 12.07.1996, respectively, no counter-affidavit is filed. In deed, there is no appeal by the second respondent.

A perusal of the proceedings of the Mandal Revenue Officer, dated 13.07.1993, would show that action was initiated on an application made by one K.Venkateswara Rao of Ayyagaripeta. After conducting enquiry, he was informed that the land admeasuring Acs.3.00 in survey No.173 was handed over to original pattadar-Kuncham Tirupathiah, the second respondent herein; the order nowhere refers to any notice issued to the petitioner. Therefore, it is observed that unless and until appropriate steps are taken, the petitioner's possession cannot be interfered by the Mandal Revenue Officer. If there is any threat of dispossession by the second respondent, the petitioner may either execute the decree in O.S.No.46 of 1993 according to law, if such decree is passed, or file a fresh suit for injunction against the second respondent.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

04.01.2007

GJ